

1 had done?

2 MR. BERAN: He turned around and looked at
3 them and winked is what he did and Sam told me earlier he
4 was blowing kisses at them.

5 MR. BANKS: I will get on him again.

6 THE COURT: And I want the record to reflect
7 further that there was minor problems at the jail this
8 morning getting him into the courtroom and Mr. Banks was
9 notified of that and Mr. Banks did talk to his client in
10 private concerning his conduct towards others during this
11 trial.

12 MR. BANKS: And I will get with him again.

13 (The jury entered the courtroom at 10:30 a.m.)

14 THE COURT: You may be seated.

15 Call your next witness.

16 MR. WISEMAN: We call Alton Davison.

17 THE BAILIFF: No pictures Judge.

18 THE COURT: This witness prefers not to be
19 photographed and shall not be.

20 ALTON DAVISON

21 Called as a witness by the State of Ohio, being
22 first duly sworn in according to law by the Bailiff, was
23 examined and testified as follows:
24
25

DIRECT-EXAMINATION

1
2 BY - MR. WISEMAN:

3 Q Good morning, sir. Please state your name and
4 address.

5 A My name is Alton Davison, 791 Floral Court,
6 Mansfield.

7 Q Do you own a 1982 Oldsmobile, Omega?

8 A I do.

9 Q I am going to hand you what we have marked as
10 State's Exhibit 6 for identification and ask if you can look
11 at that and tell us what it is if you can? You can take it
12 out of that bag if you want to. Let me help you.

13 A You want to know if this describes my car, yes it
14 does.

15 Q Is that, in fact, your registration to your 1982
16 Olds Omega?

17 A It is.

18 Q And what is the license number of your car?

19 A MVR--

20 Q And what does that say?

21 A 043.

22 Q Thank you.

23 Mr. Davison, did you own that car on or about
24 February 13, 1994?

25 A I have had it 11 months.

1 Q You bought it when?

2 A June of '93.

3 Q So you did own it in February of '94?

4 A Right.

5 Q I will hand you a picture we have marked as State's
6 Exhibit 42 and ask you to take a look it and tell us if you
7 can identify it. What is it?

8 A That's my granddaughter, Melanie Davison.

9 Q Thank you.

10 Did your granddaughter, Melanie, ever use this car
11 we have been discussing?

12 A I didn't hear what you said.

13 Q Did your granddaughter, Melanie, ever use this '82
14 Omega we have been talking about?

15 A Yes, yes, yes.

16 Q Have you had occasion since you bought that car to
17 do any maintenance work on it?

18 A Yes, I have done maintenance work on the car.

19 Q How about the tires?

20 A In August of '93 I had four tires put on it.

21 Q Where did you get the tires?

22 A Firestone Company in Mansfield.

23 Q And that is their business to put tires on?

24 A Yes, it is.

25 Q It is one of the things they do?

1 A Yes, it is.

2 Q I am going to show you what has been marked as
3 State's Exhibit 7 for identification and there are two
4 documents inside this evidence bag. And I would like you to
5 look at these two documents carefully and first tell us if
6 you know what they are?

7 A The first one you gave me is a bill of sale for the
8 four tires that I had put on there in August of last year
9 from Firestone.

10 Q What is the date, sir?

11 A August 12th of '93.

12 Q All right, fine. Would you look at the second
13 document and tell us what that is?

14 A All I know is it describes the tires that they sell
15 or ones they put on the car, whatever.

16 Q Was that given to you with the car tires, if you
17 know?

18 A I would think so. Now, my wife was with me. She
19 was the one wrote the check for the tires. I don't know
20 which one he handed to me.

21 Q Let's take a look at the back. Is there anything
22 noted on the back?

23 A Obviously the mileage of the car is the only thing
24 that I can identify. That is close anyhow. I don't know if
25 it is exact or not.

1 Q What mileage is reflected on it?

2 A 109,152 miles.

3 Q Does that sound right?

4 A Yes, it does.

5 Q That was about the mileage to your recollection on
6 the car when you put the tires on it?

7 A Yes.

8 Q Do you have any idea how many miles you put on those
9 tires between the time you bought it in August and February
10 of '94?

11 I should ask, while you are thinking. Are you able
12 to make an estimate of how many miles you put on it between
13 the time you bought the new tires in August and February of
14 '94?

15 A I would think 3000 miles.

16 Q Thank you.

17 Did you have any trouble with these tires?

18 A Not at all.

19 Q Did you have any reason to your knowledge, to
20 replace these tires?

21 A I did not.

22 Q Did you authorize anyone else to replace the tires
23 on your '82 Oldsmobile Omega?

24 A I did not.

25 Q Do you have any idea what tires were on the car?

1 A I do not know.

2 Q Do you know if the odometer was working on the car?

3 A Yes, it was.

4 Q Thank you very much.

5 Do you know where your car was on February 13, 1994,
6 of your own knowledge?

7 A Of my own knowledge, I do not.

8 Q Thank you very much, sir. I appreciate your
9 testimony.

10 MR. WISEMAN: No further questions.

11 CROSS-EXAMINATION

12 BY - MR. BANKS:

13 Q Mr. Davison, when was last time you checked the
14 mileage on your car?

15 A I don't remember checking the mileage on the car,
16 sir?

17 Q As a matter of fact, the car was kind of a car that
18 your granddaughter used whenever she chose?

19 A Yes.

20 Q And would you agree that it stayed at her house
21 probably more than at your house?

22 A I don't think it stayed at her house more than my
23 house. She'd only get it usually when her car wasn't
24 operating.

25 Q She had a car also?

1 A Yes.

2 Q And it was an Oldsmobile?

3 A Yes.

4 Q And in fact, the same tires you purchased would have
5 fit her car?

6 A Yes.

7 Q Now, did your granddaughter work?

8 A She goes to college.

9 Q Okay, how did she live to support herself?

10 A She's on some sort of program that helps her go to
11 college is all I know.

12 Q Does she have any children?

13 A Three.

14 Q Was she on public assistance or Welfare?

15 A I would imagine. I'm sure she didn't have a job.

16 Q Do you help her financially?

17 A I try. I was trying to help her keep her car going
18 so she could use it to go to school with.

19 Q Do you know whether her car needed any tires?

20 A No, sir, I don't.

21 Q Did you notice, in fact, your car-- I'm sorry.
22 Strike that.

23 What color is that car?

24 A Green.

25 Q Pardon me?

1 A It's green.

2 Q Have you noticed the tires from the time you bought
3 them, and I believe you purchased the car in June of '93; is
4 that correct?

5 A Yes.

6 Q And you purchased the tires in August?

7 A Right.

8 Q Two months later?

9 A Right.

10 Q Have you watched the car and the tires since that
11 time to see if they have been changed or when they were?

12 A No, I have not.

13 Q Do you know for a fact yourself, whether or not the
14 tires have been changed?

15 A I do not.

16 Q Did your granddaughter ever tell you that she used
17 the tires or changed the tires or tell you she put the tires
18 on her car?

19 A No.

20 Q Have you since been contacted by the police checking
21 your car for the mileage?

22 A I don't have the car, sir.

23 Q You haven't had the car since when?

24 A Somewhere near the middle of February.

25 Q So about three months?

1 A I would think.

2 Q And your testimony was that up until this date you
3 had put approximately 3000 miles on the car?

4 A I understood he asked me what the mileage was
5 between the time I bought the car and the time that I put
6 the tires on the car in August.

7 Q So in a two month period you put 3000 miles on it?

8 A I think that is close.

9 Q Between August and February how many miles did you
10 put on the car?

11 A I couldn't give you a number, sir.

12 Q Would you say it was the same amount of traveling
13 that you did?

14 A It would have been less because between June and
15 August, I drove the car to Florida.

16 Q Now how many miles did your granddaughter put on the
17 car?

18 A I have no idea.

19 MR. BANKS: Thank you Mr. Davison.

20 THE COURT: Redirect?

21 MR. WISEMAN: No, sir.

22 THE COURT: Thank you very much, you are
23 excused.

24 MR. DAVISON: Can I go home now?

25 MR. WISEMAN: Yes, sir.